

Town Board Minutes
(Municipal Review Committee)

Meeting
No. 5

Special Meeting

February 9, 2004

Town Board Minutes

February 9, 2004

Meeting No. 5

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 9th day of February 2004, at 6:30 PM and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUT, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR
JOHN GOBER, PLANNING BOARD MEMBER
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER
MICHAEL MYSZKA, PLANNING BOARD MEMBER
STEVEN SOCHA, PLANNING BOARD MEMBER
MELVIN SZYMANSKI, PLANNING BOARD MEMBER
STANLEY KEYSA, PLANNING BOARD CHAIRMAN*

ABSENT: REBECCA ANDERSON, PLANNING BOARD MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR
ROBERT LABENSKI, TOWN ENGINEER

* Recused himself from participation and voting because he represented the prior owner in the sale of the subject property to Homes By Natale, Inc. approximately twenty (20) years ago.

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for one (1) action.

IN THE MATTER OF THE SEQR REVIEW OF THE

HOMES BY NATALE, INC.

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Homes By Natale, Inc. rezone matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD MEMBER MYSZKA
WHO MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

RESOLVED, that the following Negative Declaration be adopted:

NOTICE OF DETERMINATION

HOMES BY NATALE, INC.

NEGATIVE DECLARATION

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an Unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 19± acres.

The location of the premises being reviewed is 5067 William Street, Lancaster, County of Erie, New York.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will result in a small to moderate physical change to the project site.
 - a.) It is noted that there will be construction on land where the depth to the water table is .5 foot to 1.5 feet.
 - b.) Construction will continue for more than one year and may involve more than one stage or phase.
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will have a small to moderate impact on surface or ground water quality or quantity.
 - a) It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required.
 - b) The proposed action anticipates water usage of 31,050 1 gallons per day.
6. The proposed action will have a small to moderate impact on drainage flow patterns or surface water runoff. It is noted that:
 - a.) That the jurisdictional wetland to the south will be avoided by this project.
 - b.) The cross country drainage ditch will be an open ditch which is located in the common area of the development.
7. The proposed action will not affect air quality.
8. The proposed action will have a small to moderate impact on threatened or endangered species.
 - It is noted that pesticides or herbicides are likely to be applied more than twice per year for lawn care.
9. The proposed action will have a small to moderate impact on non-threatened or non-endangered species.
 - It is noted that the wetland habitat to the south will be avoided by this project.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.

12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
15. The proposed action will not affect existing transportation systems.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.
19. The proposed action will have a small to moderate impact on the character of the existing community.
 - a.) There is a small to moderate conflict with officially adopted plans or goals.
 - b.) There will be a small to moderate increase in the density of land use.
 - c.) There will be a small to moderate demand for additional school, police and fire services.
 - d.) There will be a small to moderate precedent set for future projects.
 - e.) During construction there will be a small to moderate increase in employment.
20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

s/s _____

SEAL

Robert H. Giza, Supervisor
Town of Lancaster

February 9, 2004

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	ABSTAINED

The Notice of Determination was thereupon adopted.

February 9, 2004

ADJOURNMENT:

**ON MOTION OF PLANNING BOARD MEMBER SZYMANSKI AND
SECONDED BY PLANNING BOARD MEMBER SOCHA FOR ADJOURNMENT OF THE
MEETING, on voice vote, which resulted as follows:**

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The meeting was adjourned at 7:03 P.M.

Signed


Johanna M. Coleman, Town Clerk

Town Board Minutes

Meeting No. 6

Regular Meeting

February 9, 2004

Town Board Minutes

February 9, 2004
Meeting No. 6

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 9th day of February 2004 at 8:00 P.M. and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPNIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR
GARY STOLDT, CHIEF OF POLICE
CHRISTINE FUSCO, ASSESSOR
TERRENCE McCRACKEN, GENERAL CREW CHIEF

PERSONS ADDRESSING TOWN BOARD:

Fronczak, Mike, 3 Woodstream Drive, spoke to the Town Board on the following matter:

- Inquired when the Town Board will make a decision on the rezone petition of Homes By Natale, Inc., William Street.

Sherry, Timothy, 62 Rehm Road, spoke to the Town Board on the following matters:

- Thanked the Town Board for listening to the residents concerns.
- Comments regarding the rezone of property on William Street.
- Questions about assessment revaluation program.

Prelewicz, Tonia, 36 Sagebrush Lane, spoke to the Town Board on the following matter:

- Questions about the assessed value of her home based on the possibility of patio homes being built near her home.

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matter:

- Stated that Transit Road from French Road to Gould Avenue will be resurfaced this summer.
- Inquired about possible police merger with Village of Depew.
- Commented about taxes in Town outside of Village.

Chowaniec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matters:

- Questions about the SDEIS for Pleasant Meadows Subdivision and technical review to be provided by Clough Harbor & Associates and who will be paying for this study.
- Requests another Public Hearing for Pleasant Meadows Subdivision rezone petition.

Centinello, Daniel, 474 Pleasantview Dirc, spoke to the Town Board on the following matter:

- Inquired if the Town Board would allow Adelphia Cable to televise Town Board meetings.

Gull, Henry, 710 Pavement Road, spoke to the Town Board on the following matters:

- Questions about the grant of \$5000 from the Town of Lancaster to the Lancaster Rural Cemetery.
- Comments about Lancaster Rural Cemetery.

Symer, Donald, 610 Columbia Avenue, spoke to the Town Board on the following matter:

- Comments about Town of Lancaster providing a \$5000 grant to Lancaster Rural Cemetery and the requirement that the Association provide a financial statement.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:32 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Zoning Map of the Town of Lancaster as petitioned by Natale Homes, Inc. for a rezone from A-R Agricultural Residential District to a MFR-3 Multifamily Residential District Three at 5067 William Street.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Jeff Palumbo, Attorney for the petitioner, Renaldo & Palumbo		
Bill Tuyn, developer's representative - Green & Peterson		
Peter Sorgi, Attorney for petitioner		
Lee Chowanice	93 Northwood Drive	Questions/Comments
Mike Fronczak	3 Woodstream Drive	Opponent
Tonia Prelewicz	36 Sagebrush Lane	Opponent
Mary Kless	2055 Como Park Blvd	Comments/Opponent
Tim Sherry	62 Rehm Road	Comments/Questions
Dan Beutler	26 Tyler Street	Opponent
Don Symer	610 Columbia Avenue	Comments
Jim Brett	659 Harris Hill Road	Comments

ON MOTION BY COUNCIL MEMBER STEMPIAK, AND SECONDED BY COUNCIL MEMBER AMATURA, FOR ADJOURNMENT OF THE PUBLIC HEARING, on roll, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 9:28 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

February 9, 2004

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Town Board and the Planning Board held January 20, 2004 and the Regular Meeting of the Town Board held January 20, 2004 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 9, 2004

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER STEMPIAK. TO WIT:

RESOLVED, that the 2004 Schedule of Salaries adopted January 1, 2004 be and
is hereby amended as follows:

TO BE PAID BI-WEEKLY

BUILDING AND ZONING:

Clerk, P.T. (McCoy)

\$11.83 per hour

The question of the adoption of the foregoing resolution was duly put to a vote on roll
call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 9, 2004

File:Rpers/salary amend(P1)

PREFILED RESOLUTION NO. 3 - MEETING OF 2/9/04

Stempniak/ _____

**Authorize Subdivision Map Cover Filing Fairway Hills
Subdivision Phase I**

At the request of Council Member Stempniak, this resolution was withdrawn for further study by the Planning Board.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK. TO WIT:

WHEREAS, the Landmark Society of the Niagara Frontier is presently undertaking the restoration of the c.1810 Warren Hull House at 5976 Genesee Street, Lancaster, New York, said house being the oldest stone structure in Erie County, and

WHEREAS, the Landmark Society of the Niagara Frontier is seeking grants from both government and private foundations for this restoration project, and

WHEREAS, the Town Board deems it in the public interest to confirm the local support of the Town of Lancaster for this restoration project and also desires to provide the sum of \$5000.00 to the restoration.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms its local support for the restoration project for the c.1810 Warren Hull House at 5976 Genesee Street, Lancaster, New York which is being undertaken by the Landmark Society of the Niagara Frontier and authorizes the Supervisor to provide funds in the sum of \$5000.00 toward this restoration project which will benefit the local community.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 9, 2004

File: rhullhouse204

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has been notified by the Lancaster Rural Cemetery Association that it is experiencing financial difficulty and now seeks a contribution from the Town for its operating expenses for the year 2004 in the sum of \$5,000, and

WHEREAS, the Town Board has reviewed this matter and further has discovered that in the event that this not-for-profit organization ceases to exist that the Town of Lancaster would become responsible for the maintenance and upkeep of said cemetery pursuant to Town Law, §291 which would place a significant financial burden on town taxpayers, and

WHEREAS, the Town Board deems it in the public interest to assist the Lancaster Rural Cemetery Association so that not-for-profit organization can continue to operate and maintain the Lancaster Rural Cemetery without this obligation falling to the Town.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to provide the sum of \$5,000 to the Lancaster Rural Cemetery Association for its continued operation and maintenance of the beforementioned cemetery with the condition that no further contribution be made in future years unless a fiscal year end statement be provided to the Town for the year ended 2004.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 9, 2004

File: recemetery204

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED IT'S ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, §1660 (18) Vehicle and Traffic Law of the State of New York authorizes the Town to restrict and prohibit the parking of vehicles on all roads within the Town except State highways, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, "VEHICLE AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF LANCASTER",

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on proposed amendments to the Vehicle & Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 23rd day of February, 2004 at 8:30 o'clock P.M., Local Time, and that Notice of the Time and Place of such hearing be published on or before February 12, 2004, in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 9, 2004

File: rvtordchpt46noparkingenchantedforestmth104

**LEGAL NOTICE
PUBLIC HEARING
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK
DESIGNATED AS CHAPTER 40 OF THE CODE OF THE TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 9th day of February, 2004, the said Town Board will hold a Public Hearing on the 23rd day of February, 2004, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

CHAPTER 46

ARTICLE X - Parking, Standing and Stopping.

46-12. Parking prohibited in designated locations, is hereby amended by adding thereto the following:

A.

**(65) On the south side and north side of Enchanted Forest North
 between Aurora Street and Chapin Court.**

and

ARTICLE X - Parking, Standing and Stopping.

46-13. Standing prohibited in designated locations, is hereby amended by adding thereto the following:

A.

**(65) On the south side and north side of Enchanted Forest North
 between Aurora Street and Chapin Court.**

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN
 Town Clerk**

February 9, 2004

File: rvtordchpt46noparkingenchantedforestnorth104

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Assessor of Lancaster feels that it is necessary to conduct a reassessment project of all properties for the 2005 assessment roll to maintain a uniform standard of assessment for the Town and has requested that the Town Board adopt a resolution to request assistance from the State of New York, and

WHEREAS, the Town Board has heard a presentation by a representative of the NYS Office of Real Property Services and deems it appropriate to formally request the assistance.

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Lancaster, New York, that the Town of Lancaster hereby requests State assistance, specifically from the NYS Office of Real Property Services, to assist in a reassessment project to maintain a uniform standard of assessment in accordance with Section 305 of the Real Property Tax Law; and

BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to expend the necessary funds for the preparation of said plan and the establishment and maintenance of the Real Property Improvement Program.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER GIZA	VOTED YES

February 9, 2004

File: reassessoroffice104

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA. TO WIT:

WHEREAS, the Town Board has requested a proposal from Clough, Harbour & Associates LLP to provide outside consulting services to the Town for review of the SEQRA Environmental Impact Statement provided to the Town by the proponent for the Pleasant Meadows Subdivision, and

WHEREAS, the Town Board has received a proposal from Clough, Harbour & Associates LLP and has reviewed same and deems it in the public interest to engage the services of the Clough, Harbour & Associates LLP for the review of SEQRA Environmental Impact Statements on the Pleasant Meadows Subdivision project, and

WHEREAS, pursuant to §617.13 (b) and (c) the Town may charge back to the developer the cost of this independent review.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into a contract with Clough, Harbour & Associates LLP to provide professional services for technical review of the SEQRA Environmental Impact Statement for the Pleasant Meadows Subdivision at an initial cost not to exceed \$20,000.00 pursuant to the proposal submitted by Clough, Harbour & Associates LLP and that the developer shall be responsible pursuant to §617.13 (b) and (c) to pay the cost of this independent review being directed by the lead agency, Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 9, 2004

File: rpleasantmeadowscoughharbour204

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, a Public Hearing was held on the 20th day of January, 2004, on the petition of **Theodore B. Kulbacki**, for the rezone of certain property located on Como Park Boulevard (SBL No. 115.01-2-2.12, on the south side of Como Park Boulevard, west of the intersection of Como Park Boulevard and Penora Street and directly to the west of Edukids Early Childcare Center), in the Town of Lancaster, New York for a change of zoning from R-2, Residential District Two to RCO, Residential Commercial Office, and

WHEREAS, the Planning Board of the Town of Lancaster at its meeting held December 3, 2003, recommended approval of the rezone, and

WHEREAS, a SEQR review was completed on the proposed rezone and project on January 20, 2004, and a Negative Declaration issued, and

WHEREAS, a Notice of said Hearing has been duly published and posted, and

WHEREAS, in accordance with Section 239 (m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto.

NOW THEREFORE, BE IT

RESOLVED, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from R-2, Residential District Two to RCO, Residential Commercial Office:

ALL THAT TRACT OF PARCEL OF LAND, situate in the Town of Lancaster, County of Erie, State of New York, being part of Lot No. 9, Section 10, Township 11, Range 6 of the Holland Land Survey and further distinguished as part of Lot "E" as shown on Map filed in the Erie County Clerks Office under Cover 1014, more particularly bounded and described as follows:

COMMENCING at the intersection of the existing southerly highway boundary of Como Park Boulevard with the east line of Lot "E" as shown on Map filed in the Erie County Clerks Office under Cover 1014;

THENCE westerly along the southerly line of Como Park Boulevard a distance of 255.18 feet to the Point or Place of Beginning, said point being the north west corner of lands conveyed to the Town of Lancaster Industrial Development Agency by deed filed in the Erie County Clerks office in Liber 10888 of deeds at page 8002;

THENCE southerly along the westerly line of lands conveyed to the Town of Lancaster Industrial Development Agency a distance of 200.00 feet to the southwest corner of lands conveyed to the Town of Lancaster Industrial Agency, said point also being a point on the north line of lands conveyed to the United States Postal Service by deed filed in the Erie County Clerks Office in Liber 10932 of deeds at page 8835;

THENCE westerly, along the northerly line of lands conveyed to the United States Postal Service a distance of 145.19 feet to an angle point in the lands conveyed to the United States Postal Service;

THENCE northerly, along the easterly line of lands conveyed to the United States Postal Service a distance 182.83 feet to a point in the southerly line of Como Park Boulevard;

THENCE easterly along the southerly line of Como Park Boulevard a distance of 147.13 feet to the Point or Place of Beginning, containing 0.640 acre more or less.

SAID parcel generally described as being located approximately 518 feet west of the intersection of Como Park Boulevard and Penora Street on the southerly side of Como Park Boulevard. Said parcel is identified as tax parcel 115.01-2-2.12.

2. That said Ordinance Amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 9th day of February, 2004;

3. That a certified copy thereof be published in the Lancaster Bee, on or before the 12th day of February, 2004;

4. That Affidavits of Publication be filed with the Town Clerk; and

5. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 9, 2004

File: rplirezonekulbaketheodrehuntrealstate

LEGAL NOTICE

LEGAL NOTICE
NOTICE OF ADOPTION OF AMENDMENT
ZONING ORDINANCE, TOWN OF LANCASTER
THEODORE KULBACKI OF LANCASTER

**SBL No. 115-01-2-2.12, on the south side of Como Park Boulevard, west of the
intersection of Como Park Boulevard and Penora Street and directly to the west of
Edukids Early Childcare Center**

LEGAL NOTICE IS HEREBY GIVEN that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of the said Town is hereby changed so that the real property hereinafter described is changed from R-2, Residential District Two to RCO, Residential Commercial Office:

ALL THAT TRACT OF PARCEL OF LAND, situate in the Town of Lancaster, County of Erie, State of New York, being part of Lot No. 9, Section 10, Township 11, Range 6 of the Holland Land Survey and further distinguished as part of Lot "E" as shown on Map filed in the Erie County Clerks Office under Cover 1014, more particularly bounded and described as follows:

COMMENCING at the intersection of the existing southerly highway boundary of Como Park Boulevard with the east line of Lot "E" as shown on Map filed in the Erie County Clerks Office under Cover 1014;

THENCE westerly along the southerly line of Como Park Boulevard a distance of 255.18 feet to the Point or Place of Beginning, said point being the north west corner of lands conveyed to the Town of Lancaster Industrial Development Agency by deed filed in the Erie County Clerks office in Liber 10888 of deeds at page 8002;

THENCE southerly along the westerly line of lands conveyed to the Town of Lancaster Industrial Development Agency a distance of 200.00 feet to the southwest corner of lands conveyed to the Town of Lancaster Industrial Agency, said point also being a point on the north line of lands conveyed to the United States Postal Service by deed filed in the Erie County Clerks Office in Liber 10932 of deeds at page 8835;

THENCE westerly, along the northerly line of lands conveyed to the United States Postal Service a distance of 145.19 feet to an angle point in the lands conveyed to the United States Postal Service;

THENCE northerly, along the easterly line of lands conveyed to the United States Postal Service a distance 182.83 feet to a point in the southerly line of Como Park Boulevard;

THENCE easterly along the southerly line of Como Park Boulevard a distance of 147.13 feet to the Point or Place of Beginning, containing 0.640 acre more or less.

SAID parcel generally described as being located approximately 518 feet west of the intersection of Como Park Boulevard and Penora Street on the southerly side of Como Park Boulevard. Said parcel is identified as tax parcel 115.01-2-2.12.

**STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :**

THIS IS TO CERTIFY that I, Johanna M. Coleman, Town Clerk of the Town of Lancaster, in said County of Erie, have compared the foregoing copy of an Ordinance on the 9th day of February 2004 and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto signed my hand and affixed the Seal of said Town this 9th day of February, 2004.

(S E A L)

Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK. TO WIT:

WHEREAS, the Town of Amherst intends to apply for grant monies through the New York State Department of Labor Occupational Safety and Health Training and Education Program for grants to support safety training for municipal workers, and

WHEREAS, the Town of Amherst will serve as lead agency for the grant application and has invited other municipalities to cooperatively participate in the proposed safety training program, and

WHEREAS, Town of Lancaster employees would benefit from participation in safety training programming.

NOW THEREFORE, BE IT

RESOLVED, that the Town of Lancaster agrees to participate as a cooperating municipality in the grant application to be submitted to the New York State Department of Labor Occupational Safety and Health Training and Education Program for the purpose of securing this grant, and

BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 9, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED IT'S ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, §1660 (18) Vehicle and Traffic Law permits the Town to designate the location of stop signs and no-passing zones affecting town roads outside of the Villages of Lancaster and Depew, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, "VEHICLE AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF LANCASTER",

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on proposed amendments to the Vehicle & Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 23rd day of February 2004, at 8:35 o'clock P.M., Local Time, and that Notice of the Time and Place of such hearing be published on or before February 12, 2004, in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 9, 2004

File: rvtordchpt46stopsigns204

**LEGAL NOTICE
PUBLIC HEARING
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK
DESIGNATED AS CHAPTER 46 OF CODE OF TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 9th day of February, 2004, the said Town Board will hold a Public Hearing on the 23rd day of February, 2004, at 8:35 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

CHAPTER 46

**Article VIII, STOP INTERSECTIONS; NON-INTERSECTION
STOPS; YIELD INTERSECTIONS
46-8.1 Stop Intersections designated, is hereby amended by adding
thereto the following:**

WINDSOR RIDGE SUBDIVISION

<u>STREET NAME</u>	<u>INTERSECTING STREET</u>	<u>SIGN LOCATION</u>
Heathrow Court	Chestnut Corner	S.W. Corner
Chestnut Corner	Windcroft Lane	S.W. Corner
Chestnut Corner	Windcroft Lane	N.W. Corner
Chestnut Corner	Windcroft Lane	S.E. Corner
Windcroft Lane	Sussex Lane	N.W. Corner
Windcroft Lane	Sussex Lane	S.W. Corner

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: **JOHANNA M. COLEMAN**
Town Clerk

February 9, 2004

File: rvtordchpt46stopsigns204

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA. WHO MOVED
ITS ADOPTION. SECONDED BY COUNCIL
MEMBER AMATURA. TO WIT:

RESOLVED, that Section 1 of resolution regarding bonding for officials and employees of the Town of Lancaster adopted January 1, 2004 be amended as follows:

SECTION 1: That all elected and appointed officials and employees of the Town of Lancaster be bonded for the years 2004 and 2005 for the Faithful Performance of their duties under a Public Employee's Faithful Performance Blanket Position Bond with an amount of indemnity of \$100,000.00 per official or employee.

and,

BE IT FURTHER

RESOLVED, that **SECTION 2** of the aforementioned resolution remains as originally adopted.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 9, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has received and reviewed a proposal from Fox & Company LLP dated December 30, 2003 to provide auditing services for years 2003 and 2004 and other services related thereto, for a cost of \$26,000 each year, and

WHEREAS, Fox & Company has also included in the beforementioned proposal an additional fee not to exceed \$8,000 for assisting the Town in implementing GASB 34 (Government Accounting Standards Board Pronouncement 34), said services to be provided during years 2003 (\$5,000) and 2004 (\$3,000), and

WHEREAS, after due consideration the Town Board deems it in the public interest to retain Fox & Company for said services.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to countersign the above mentioned proposal from Fox & Company.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 9, 2004

File: rfox&co2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA. WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPIAK, TO WIT:

WHEREAS, the Assessor of the Town of Lancaster, by letter dated February 4, 2004, has recommended the appointment of Wende Schreiber, 69 Pheasant Run Lane, Lancaster, New York 14086 to the position of Clerk, Part Time (Seasonal), in the Assessor's Office of the Town of Lancaster.

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

SECTION 1: That Wende Schreiber, 69 Pheasant Run Lane, Lancaster, New York 14086 be and is hereby appointed to the position of Clerk, Part Time (Seasonal), in the Office of the Assessor.

SECTION 2: That she be compensated at an hourly rate of \$8.50.

SECTION 3: That this appointment be retroactive to February 4, 2004.

SECTION 4: That this appointment, being a temporary, seasonal position, provides no health insurance, sick days, vacation or other fringe benefits not specifically mandated for part time employees.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 9, 2004

File: Rperste.p.t

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has duly advertised for bids for furnishing to the Town of Lancaster the necessary trees for the 2004 Tree Planting Program in accordance with specifications on file with the Town Clerk of the Town of Lancaster, and

WHEREAS, said bids were duly opened on February 5, 2004, and

WHEREAS, **CONCORD NURSERIES, INC.**, 10175 Mile Block Road, North Collins, New York 14111 has submitted the lowest responsible bid in the amount of \$26,724 for furnishing said trees to the Town of Lancaster, and

WHEREAS, the General Crew Chief, by letter dated February 5, 2004 requests the Town Board to accept the bid of Concord Nurseries, Inc., and

WHEREAS, by same letter, the General Crew Chief has requested that he be authorized to purchase additional trees at the 2004 bid prices from Concord Nurseries, Inc. at his discretion for whatever other tree plantings the Town may incur in 2004.

NOW, THEREFORE, BE IT

RESOLVED, that the bid of **CONCORD NURSERIES, INC.**, 10175 Mile Block Road, North Collins, New York 14111, being the lowest responsible bid in conformance with the specifications relating thereto, be and hereby is accepted, and

BE IT FURTHER

RESOLVED, that the General Crew Chief be and is hereby authorized to place orders with Concord Nurseries, Inc. for those trees which the Town of Lancaster needs for its 2004 Tree Planting Program, and

BE IT FURTHER.

RESOLVED, that the General Crew Chief be and is hereby authorized to purchase additional trees at the 2004 bid prices from Concord Nurseries, Inc. at his discretion for whatever other tree plantings the Town may incur in 2004.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 9, 2004
FILE: RBOTREES (P3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

Authorizing the implementation, and funding in the first instance 100% of the federal aid-eligible costs, of a transportation federal-aid project, to fully fund the local share of federal-aid eligible and ineligible project costs, and appropriating funds therefor.

WHEREAS, a Project for the construction of a new Bicycle/Pedestrian Pathway, known as the Lancaster Heritage Trail Project, in the Town and Village of Lancaster, Erie County. PIN 5756.88 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, the Town of Lancaster desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases of the project PIN 5756.88 .

WHEREAS, the estimated cost of the Preliminary Engineering (Design I - VI) and Right-of-Way Incidentals phase of project PIN 5756.88 is \$210,000, and

WHEREAS, the Town of Lancaster anticipates 80% Federal reimbursement of said cost in the amount of \$168,000, resulting in a net cost to the Town of Lancaster of 20% or \$42,000.

NOW, THEREFORE, the Town Board of the Town of Lancaster, duly convened does hereby:

RESOLVE, that the Town Board of the Town of Lancaster hereby approves the above-subject project, and

BE IT FURTHER

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Town of Lancaster to pay in the first instance 100% of the federal and non-federal share of the cost of the Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases of the Project or portions thereof, and

BE IT FURTHER

RESOLVED, that the sum of \$ 210,000 is hereby appropriated from the Town of Lancaster Capital Projects Fund and made available to cover the cost of participation in the above phases of the Project, and

BE IT FURTHER

RESOLVED, that in the event the amount required to pay the full Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases exceeds the amount appropriated, \$210,000, the **Town of Lancaster** shall convene it's **Town Board** as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and

BE IT FURTHER

RESOLVED, that the **Town Supervisor** of the **Town of Lancaster** be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the **Town of Lancaster** with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid-eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and

BE IT FURTHER

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and

BE IT FURTHER

RESOLVED, this resolution shall take effect immediately.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 9, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No. 6861 to Claim No. 7220 Inclusive

Total amount hereby authorized to be paid: \$403,967.12

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 9, 2004

File: Relaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby
reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are
waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

11428	Town of Lancaster IDA	5360 Genesee St	Er. Comm. Alt.	
11429	Basile, Joseph	22 Sussex Ln	Er. Deck	
11430	Noco Energy Corp	370 Central Ave	Er. Sign	
11431	Szpak, Kevin	43 Apple Blossom Blvd	Er. Deck	
11432	Forbes Homes Inc	39 Windcroft Ln	Er. Dwlg.-Sin.	
11433	Santoro Signs Inc	4979 William St	Er. Sign-Wall	
11434	Tucker, Christopher	16 Chestnut Corner	Er. Dwlg.-Sin.	
11435	Lehigh Construction	4979 William St	Er. Radio Tower	
11436	Forbes Homes Inc	10 Chestnut Corner	Er. Dwlg.-Sin.	
11437	Basher, David	15 Oxford Ave	Er. Dwlg.-Sin.	(V/L)
11438	Marrano/Marc Equity	37 Apple Blossom Blvd	Er. Dwlg.-Sin.	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for
sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance
requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for
conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town
Ordinance required for sidewalks, however, the waiver is granted upon the expressed
condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk
installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 9, 2004

File: Rbldg2

COMMUNICATIONS & REPORTS:

46. Police Captain Riccardo M. Zuppelli to Supervisor -
Request to amend Parking Ordinance for Enchanted Forest North between Aurora Street and Chapin Court. DISPOSITION = Resolution 2/9/2004
47. Building Inspector to Town Board -
Notification of vacation replacement for period of February 9 - 13, 2004.
DISPOSITION = Received & Filed
48. Lancaster Country Club to Town Clerk -
Advisement of application for renewal of liquor license. DISPOSITION = Town Attorney
49. Public Employer Risk Management Association, Inc. to Supervisor -
Notice of new procedure for reporting work associated accidents. DISPOSITION = Received & Filed
50. Sean Nola to Town Board -
Request for traffic study of Windcroft Lane between Sussex Lane and Chestnut Corner.
DISPOSITION = For Public Hearing 2/23/2004
51. Erie County Department of Environment & Planning to Town Board -
Transmittal of Draft 2004 Erie County Annual Action Plan Report. DISPOSITION = Received & Filed
52. NYS DEC to Town Attorney -
Comments regarding Sketch Plan of proposed Whispering Pines Subdivision, Aurora Street. DISPOSITION = Planning Committee
53. NYS DEC to Town Attorney -
Notification of Lead Agency Designation to the Town of Lancaster regarding Orville's Appliance Warehouse, Walden Avenue; comments noted. DISPOSITION = Planning Committee
54. Planning Board to Town Board -
Recommends approval of site plan of proposed Orville's Appliance Warehouse with conditions. DISPOSITION = Planning Committee
55. Planning Board to Town Board -
Recommends approval of Sketch Plan Review of proposed Windsor Ridge South, south of Brunck Road, east of Bowen Road, north of Hall Road with conditions.
DISPOSITION = Planning Committee
56. Planning Board Chairman to Planning Board Members, Town Board, Town Engineer, Town Attorney, Building Inspector -
Draft copy of Planning Board minutes of meeting held January 21, 2004.
DISPOSITION = Received & Filed
57. Village of Lancaster to Town Board -
Official minutes of meeting held January 12, 2004. DISPOSITION = Received & Filed
58. Village of Lancaster to Town Board -
Minutes of meeting held January 26, 2004. DISPOSITION = Received & Filed
59. Erie County Department of Environment & Planning to Town Board -
Transmittal of Quarterly Report - 4/1/03 - 12/31/03 regarding Community Development funded projects. DISPOSITION = Received & Filed
60. U.S. Senator Charles E. Schumer to Supervisor -
Notice of Economic Disaster Loans for small businesses. DISPOSITION = Disaster Coordinator

61. Village of Farnham to Town Board -
Request support of resolution honoring Indian treaties with United States.
DISPOSITION = Received & Filed
62. Superintendent, Lancaster Central School District to Supervisor -
Notification of construction project at William Street School through August 2005.
DISPOSITION = Received & Filed
63. Town of Amherst to Supervisor -
Offer to participate in NYS Hazard Abatement Board Safety Education Training Grant. DISPOSITION = Resolution 2/9/2004
64. Captain Riccardo M. Zuppelli to Supervisor -
Request to amend Parking, Standing, Stopping Ordinance for various intersections in Windsor Ridge Subdivision. DISPOSITION = For Public Hearing 2/23/2004
65. Town Attorney to Town Board, Planning Board, Town Clerk, Building Inspector, Town Engineer -
Notice of SEQR meeting, February 9, 2004 at 6:30 PM to review rezone application of Homes By Natale, Inc. DISPOSITION = Received & Filed
66. Town Clerk to Various News Media -
Notice to media of SEQR meeting, February 9, 2004 at 6:30 PM to review rezone application of Homes By Natale, Inc. DISPOSITION = Received & Filed
67. Highway Superintendent to Town Board -
Recommendations regarding street construction in Windsor Ridge South.
DISPOSITION = Planning Committee
68. NYS Department of State Committee on Open Government to Donald Symer -
Reply to letter of January 5, 2004 regarding closed caucuses. DISPOSITION = Received & Filed
69. General Crew Chief to Planning Board Chairman, Planning Board Members, Council Members Montour, Ruffino, & Stempniak -
Notice of approval by Town Forestry Department regarding Realty USA, 4909 Transit Road. DISPOSITION = Planning Committee
70. Jody Hillman to Director, Senior Center -
Notice of resignation as Activities Assistant effective January 20, 2004.
DISPOSITION = Received & Filed
71. Erie County Department of Environment & Planning to Town Clerk -
Review of rezone application of, Homes By Natale, Inc., 5067 William Street; comments noted. DISPOSITION = Planning Committee
72. NYS DEC to Town Attorney -
Notification of Lead Agency Designation to the Town of Lancaster regarding Office Building, 4909 Transit Road. DISPOSITION = Planning Committee
73. General Crew Chief to Council Member Montour -
Request for resolution awarding bid for 2004 Tree Planting Program to Concord Nurseries, Inc. DISPOSITION = Resolution 2/9/2004
74. Town Assessor to Town Board -
Request appointment of Wende Schreiber and Kristen Fusco as Part Time/Seasonal Clerks. DISPOSITION = Resolution 2/9/2004
75. Bella Vista to Building Inspector -
Request for refund of Building Permit No. 11412. DISPOSITION = Received & Filed
76. Bella Vista to Supervisor -
Letter regarding Special Use Permit application for Onyx Environmental Services.
DISPOSITION = Received & Filed

77. Fox & Company LLP to Town Board -
Letter of confirmation to provide audit of Town's financial matters for 2003 and 2004.
DISPOSITION - Resolution 2/9/2004
78. Village of Lancaster Special Events Director to Director of Administration & Finance -
Request for financial assistance for 2003 village special events. DISPOSITION =
Received & Filed
79. Village of Lancaster Special Events Director to Supervisor -
Request for payment to village for 2003 special events. DISPOSITION = Received &
Filed
80. Department of the Army, Corps of Engineers to Supervisor -
Letter of Determination of No Jurisdiction regarding proposal to clean Ellicott Creek.
DISPOSITION = Town Engineer
81. NYS Public Service Commission to Town Board -
Notice of process and schedule regarding revision of tariffs of street lighting by
NYSEG.
DISPOSITION = Town Attorney
82. Greater Buffalo-Niagara Regional Transportation Council to Town Clerk -
Notice of meeting to be held February 11, 2004 at 9:30 AM. DISPOSITION = Town
Engineer
83. Tim Sherry to Supervisor -
Letter regarding Special Use Permit application of Onyx Environmental Services.
DISPOSITION = Received & Filed

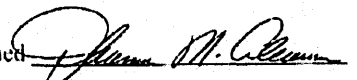
ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER MONTOUR AND SECONDED
BY COUNCIL MEMBER AMATURA, on voice vote, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The meeting was adjourned at 10:35 P.M.

Signed


Johanna M. Coleman, Town Clerk